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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,730	01/18/2000	Bartfeld Eyal	2000-001	1034

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SALTAMAR INNOVATIONS  
30 FERN LANE  
SOUTH PORTLAND, ME 04106

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/05/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

*[Handwritten signature]*

# Office Action Summary

Application No.

09/484,730

Applicant(s)

Examiner

Brown M. Reuben

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 5/16/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 62 and 73-133 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 62 and 73-133 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The following Office Action is in response to applicant's amendment, Paper #13, filed 5/16/2002.

***Claim Objections***

2. Claim 129 is objected to because of the following informalities: Claim 129, line 13, recites, "massage responsive to". The term should be changed to, "message responsive to". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 107, 110, 112-113, 116-117, 123-124 & 133, are rejected under 35 U.S.C. 102(b) as being anticipated by Cowe, (U.S. Pat # 5,825,407).

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Considering claim 107, the claimed method for handling messages comprising the steps of using a telephone, inputting commands to a TV messaging gateway is met by Cowe, (col. 9, line 13; col. 17, lines 45-67 & col. 18, lines 1-44). The claimed feature of causing the TV messaging gateway to output messages in response to the commands, such that the messages are outputted on a TV set, coupled directly or indirectly to the messaging gateway reads on Cowe, (col. 9, lines 35-47).

Considering claim 110, the telephone access module, TAM 190 of Cowe reads on the claimed unified messaging server, (Fig. 16).

Considering claim 112, Cowe, col. 10, meets the claimed computer readable media reads lines 33-45.

Considering claim 113, the claimed method for handling messages in a unified messaging system where the messages are delivered via a digital TV reads on Cowe, col. 12, lines 20-28, which teaches that the system also transmits digital TV. Cowe meets the claimed method of selecting messages and receiving signals corresponding to the messages via the TV network, (col. 18, lines 25-45).

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Considering claim 116, the claimed selection is met by Cowe, (col. 18, lines 25-45).

Considering claim 117, see Cowe, col. 18, lines 7-24.

Considering claim 123, the claimed method for handling messages in a unified messaging system wherein messages are delivered via a TV network comprising selecting messages and receiving signals corresponding to the messages reads on Cowe, (col. 18, lines 15-42). The claimed feature of outputting the messages on a TV reads on operation of Cowe.

As for the claimed feature of recording and digitizing an outgoing message, Cowe discloses that audio messages may be recorded at the TAM 190. Cowe also teaches that messages may be transmitted in digital format, col. 9, lines 15-20; col. 12, lines 1-25). The additional step of automatically packaging the message in an out-going e-mail and sending the outgoing message reads on the Cowe, in that audio & text messages are combined and transmitted to users over the CATV system.

Considering claim 124, the steps recited in claim 123 are performed at the TAM 190, which is remote to the user TV.

Considering claims 133, Cowe, col. 10, lines 33-45 meets the claimed computer readable media.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 62, 108, 114-115 & 120-122, 125-128 & 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowe, in view of Gaffney, (U.S. Pat # 6,333,919).

Considering claims 108-109, 114-115 & 120, Cowe teaches that audio & text messages may be recorded at least at TAM 190, for a user to choose. These audio & text messages are combined and transmitted as video to subscribers of the CATV system. However, this disclosure does not explicitly state the audio recordings may be of a user's recorded voice.

Nevertheless, Gaffney, which is also directed to messaging gateway, discloses that at least one of the messages may include a combination of voice mail and text or e-mail, (col. 1, lines 25-45; col. 5, lines 10-17). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Cowe, with the teachings of Gaffney recording a user's voice, at least for the desirable benefit of using the instant recorded voice message at some point in the future.

Considering claim 121, Gaffney teaches that a multimedia message may be created a user, which at least includes a command for creating the instant multimedia message; thereby reading on the claimed first incoming message, see col. 3, lines 15-30.

Considering claim 122, both Cowe & Gaffney teaches a user input using a telephone.

Considering claim 62, Cowe col. 10, lines 33-45, meets the claimed computer readable media.

Considering claim 125, the claimed method for handling messages, adapted to operate in conjunction with a messaging server, comprises steps that correspond with subject matter mentioned above in the rejection of claims 107 & 120, and is likewise analyzed. The additionally claimed feature of receiving a plurality of messages directed to a particular user in a messaging server system, reads on the operation of Gaffney wherein messages may be stored for particular users, (col. 6, lines 54-67).

Considering claim 126, Cowe & Gaffney both teach a user entering user-outgoing messages over an upstream network.

Considering claim 127, Gaffney discusses user generated voice mail originated with a telephone (col. 4, lines 55-57).

Considering claim 128, Gaffney teaches notifying a user of a message, col. 5, lines 38-41.

Considering claims 132, the claimed computer readable media reads is met by Cowe, col. 10, lines 33-45.

7. Claims 118 & 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowe.

Considering claim 118, Cowe teaches that the use input device may include personal computer, as well as the standard DTMF telephone device, col. 5, lines 55-58. Even though Cowe does not explicitly state that a microphone may be used in conjunction with the PC, Official Notice is taken that such an arrangement was very well known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hashimoto & Cowe, with the feature of a microphone, at least the known benefit of providing a common audio input device for the PC.

Considering claim 119, Official Notice is taken that graphical display on a user TV display indicating the progress of a video, was well known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Cowe, with the feature of graphically indicating to a user the



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progress of video delivery, at least for the desirable improvement of enabling the user to interactively jump forward or reverse the video.

8. Claims 73-82, 84-90, 92-97, 99, 101-102, 105, 111 & 129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto, (EP 0 793, 387 A2), in view of Cowe.

Considering claim 73, the claimed TV messaging gateway for handling messages such that the gateway is adapted to operate in conjunction with a TV distribution system having a central location and in conjunction with a messaging server constructed to store and forward messages reads on the combination of Hashimoto and Cowe.

The claimed feature comprising a message control interface adapted to couple the messaging server for controlling at least one message therein, such that the message has address information associated therewith, to associate the message with at least one user is met by the disclosure of Hashimoto. The instant reference teaches that a center response server 30 (Fig. 1; Fig. 9; col. 10, lines 47-55; col. 12, lines 28-45), which reads on the claimed messaging gateway in conjunction with a messaging server, receives [electronic] mail from one or more senders, along with the corresponding destination of recipients, i.e. address information associated with at least one user, (col. 13, lines 10-15), emphasis added.

As for the claimed video output module for generating video signals corresponding to said message, such that the module is adapted to couple to a video downstream network for

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distributing the video signals to a plurality of addressable terminals, Hashimoto characterizes the [electronic] mail as TV mail, which at least suggests that the messages are standard video or video, since they are displayed on an interactive TV 10. Notwithstanding this disclosure, all images displayed on a TV screen are not video, and Hashimoto does not explicitly state that the TV [electronic] mail is in video format.

Nevertheless, Cowe is directed to a messaging system, wherein a user is enabled to transmit audio or text messages to a plurality of viewers, at least as baseband video, (col. 8, lines 38-48; col. 5, lines 45-67). In particular Cowe teaches that user may send an audio message or choose a pre-recorded text or audio message, (col. 17, lines 32-45 & col. 18, lines 24-44), which is then converted to baseband video and transmitted on a particular channel modulator 32, to a plurality of receivers, (col. 9, lines 24-58). Cowe provides that the messages either may be overlaid on a program signal, or substitute a program signal. In other words, the message gateway of Cowe receives the text or audio message and converts them into a baseband video signal, thereby meeting the claimed feature. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hashimoto with the teachings of Cowe, at least for the known benefit of a more flexible user interface for sending messages, see col. 18, lines 24-44.

The claimed downstream network for distributing video signals to the plurality of addressable terminals reads on the combination of the addressable system of Hashimoto, and the CATV system of Cowe. As for the additionally claimed feature of an input device to connect the

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upstream network to user input signals reads on the operation of Hashimoto & Cowe. The claimed means for directing the message between the message control interface and the video output module reads on the operation of the CATV messaging system of Cowe, (Fig. 3; col. 9, lines 5-58).

Considering claim 74, the claimed storage means to store a plurality of messages is met by the receiver mail box 36, located at the center response server 30, within Hashimoto (Fig. 1; Fig. 3; col. 11, lines 1-15).

Considering claims 75, 79, 81-82, 99 Cowe teaches that the user input includes a telephone with keypad, (col. 17, lines 59-67).

Considering claims 76 & 94, the claimed unified messaging server reads on the combination of Hashimoto & Cowe.

Considering claim 77, the claimed feature reads on the user receiver systems in Hashimoto & Cowe.

Considering claim 78 & 95, Hashimoto & Cowe teach that the PSTN may be used to send user input signals/commands to the central server.

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Considering claims 80 & 97, Official Notice is taken that at the time the invention was made bi-directional upstream technology using a CATV network was notoriously well known in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hashimoto & Cowe, with the feature of using the upstream path of a CATV network for bi-directional communication, at least for the known advantage of utilizing the 5-30 MHz frequency spectrum, which is already available in a CATV system.

Considering claim 84, Cowe teaches that the use input device may include personal computer, as well as the standard DTMF telephone device, col. 5, lines 55-58. Even though Cowe does not explicitly state that a microphone may be used in conjunction with the PC, Official Notice is taken that such an arrangement was very well known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hashimoto & Cowe, with the feature of a microphone, at least the known benefit of providing a common audio input device for the PC.

Considering claims 85, 96, 106 & 130, the claimed local module reads on the client system 10, discussed in Hashimoto, (Fig. 1; col. 10, lines 7-30).

Considering claim 86, see Hashimoto, col. 11, lines 1-25.

Considering claim 87, see Hashimoto, col. 13, lines 17-25.

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Considering claim 88, see Hashimoto, (Fig. 6C; Fig. 10B) and Cowe, (col. 18, lines 25-45).

Considering claim 89, Cowe is directed to a CATV network, col. 7, lines 29.

Considering claim 90, Cowe teaches that the CATV messaging systems also transmits digital video signals, (col. 9, lines 18-23; col. 13, lines 40-45).

Considering claim 92, Official Notice is taken that graphical display on a user TV display indicating the progress of a video, was well known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hashimoto & Cowe, with the feature of graphically indicating to a user the progress of video delivery, at least for the desirable improvement of enabling the user to interactively jump forward or reverse the video.

Considering claim 93, the claimed TV gateway for handling messages, comprising elements that correspond with subject matter mentioned above in the rejection of claim 73, are likewise analyzed. The additionally claimed feature of a message control interface constructed to control a message responsive to user input signals entered via a telephone keypad, a user voice or combination thereof reads on the system of Cowe, (col. 17, lines 30-65).

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Considering claim 101, the claimed method for handling messages, comprises method steps that correspond with subject matter mentioned above in the rejection of claims 73 & 93, and is likewise analyzed.

Considering claim 102, Hashimoto teaches a user entering user-outgoing messages via an upstream network.

Considering claim 105, Cowe, col. 17, lines 31-67 meet the claimed feature.

Considering claims 111, Hashimoto, Fig. 1 & Cowe col. 10, lines 33-45, meets the claimed computer readable media.

Considering claim 129, the claimed system for handling messages, corresponds with subject matter mentioned above in the rejection of claim 73, and is likewise analyzed.

9. Claims 83, 91, 98, 100, 103-104 & 131 rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto & Cowe, in view of Gaffney.

Considering claims 83 & 98, Gaffney teaches transmitting messages over an Internet network. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hashimoto & Cowe, with the teachings of Gaffney,

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utilizing an IP network, at least for the known desirable improvement of enabling a wider range of user input means.

Considering claims 91, 100, 103-104 & 131, Cowe teaches the recorded audio messages may at least be kept at the telephone access module, TAM 190, col. 18, lines 32-34. However, this disclosure does not explicitly state the audio recordings may be of a user's recorded voice. Nevertheless, Gaffney, which is also directed to messaging gateway, discloses that at least one of the messages may include a combination of voice mail and text or e-mail, (col. 1, lines 25-45; col. 5, lines 10-17). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hashimoto & Cowe, with the teachings of Gaffney recording a user's voice, at least for the desirable benefit of using the instant recorded voice message at some pointing the future.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Gelman, Moeller Teach the feature of a graphical bar providing indication of the progress of delivery of video at a user terminal.

B) Segur Multimedia message gateway, which converts messages to appropriate format.

C) Gerszburg Video Phone with bi-directional messaging capability.

D) Haave Teaches converting a text message from a CATV server to a broadband NTSC video signal and transmitting over a barker channel, (col. 8, lines 4-39).



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*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2020